IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

Crl.Rev.Pet.No. 1507 of 2003()

CRA.84/2002 of ADDL. SESSIONS COURT (ADHOC), THODUPUZHA
CC.680/1997 of JUDL. MAGISTRATE OF FIRST CLASS COURT, ADIMALI

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REVN. PETITIONER: APPELLANT/ACCUSED

REMESH S/O. SREEDHARAN,
VARAKIL HOUSE, MULLATHANADU KARA,
POOPPARA VILLAGE.

BY ADV. SRI.SOJAN MICHEAL
SMT.JENCY MICHEAL

RESPONDENTS: RESPONDENT/COMPLAINANT

THE STATE OF KERALA,REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 31/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NO.6565/2003 IN CRL.R.P.NO.1507/2003

DISMISSED.

SD/- K.R.UDAYABHANU, JUDGE

31/10/2007

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K.R.UDAYABHANU, J.

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Crl.R.P.No.1507 of 2003-D

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Dated this the 31st day of October, 2007

O R D E R

The revision petitioner who is the accused in C.C.No.680/1997 in the court of the Judicial Magistrate of the First Class, Adimali, stands convicted for the offences under Sections 279, 337 and 304A I.P.C and sentenced to undergo simple imprisonment for three months for the offence under Section 279 I.P.C, to undergo simple imprisonment for one month for the offence under Section 337 I.P.C and to undergo simple imprisonment for six months for the offence under Section 304A I.P.C.

2. The prosecution case is that on 03/06/1997 at 7.05 a.m the accused drove the jeep bearing registration No.KL.6.3398 through the Pooppara-Rajakumary road in a rash and negligent manner so as to endanger human life and hit on the Motor Bike bearing Registration No.KL.6.9708 that came from the opposite direction and as a result of which the rider of the bike died and the pillion rider sustained injuries.

3. The counsel for the revision petitioner has only pleaded for modification of sentence pointing out that more than 10 years have

elapsed since the commencement of the proceedings and it is also submitted that the legal representatives of the deceased have received sufficient amount as compensation from the claims tribunal. Further, it is seen that the scene mahazar has not been marked through the investigating officer who prepared the same and the investigating officer himself was not examined and no reason is mentioned for the non examination of the investigating officer. In the circumstances the sentence for the offence under Section 304A I.P.C is modified to imprisonment till the rising of the court and to pay compensation of rupees twenty thousand to the legal representatives of the deceased and in default to undergo simple imprisonment for six months. No separate sentence is awarded for the rest of the offences. The revision petitioner is granted four months time to remit the amount of compensation. He shall appear before the Judicial Magistrate of the First Class, Adimaly, on 29/02/2008 to receive the sentence.

The criminal revision petition is disposed of as above.

Sd/-

K.R.UDAYABHANU,
Judge

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